

**HARRIS COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION**

April 6, 2010

7:00 PM

Commissioners Present: J. Harry Lange, Joe Manning, Patrick Whearley, Charles Wyatt.
Absent: Joey M. Loudermilk. Staff Present: Daniel B. Bridges, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

1. **CALL TO ORDER.** Chairman Lange called the Regular Session to order.
2. **MINUTES.** The motion to approve the minutes of the March 16, 2010, Regular Session was made by Commissioner Wyatt, seconded by Chairman Lange, and passed with three in favor (Wyatt, Lange, Manning), no opposition, and one abstention (Whearley, who was absent from the March 16 meeting).

3. **APPEARANCE OF CITIZENS**

- A. **Jim Frokjer.** Jim Frokjer, citizen, appeared before the Board to discuss three topics, as follows:

- (1) **Notification of Public About Land Usage.** Mr. Frokjer said that he lives next to the Lower Blue Springs Road property that the County leased to the High School Shooting Team; that he and his neighbors knew nothing about the proposed use of the property until clearing work started; that he eventually met with the School Superintendent and the Shooting Team Advisor, who also visited him at his home during shooting practice and agreed that there was a lot of noise and that he would not like living next door to such; that shortly afterward, the School Superintendent indicated the Shooting Team would not be utilizing the property. However, Mr. Frokjer said, he would like the Board to consider having signs erected when the use of property is changing so that citizens can know what is going on.
- (2) **Leasing of Old Landfill Property on Lower Blue Springs Road.** Mr. Frokjer said that as a result of the County leasing the property to the High School Shooting Team, he did a little research and found that the property actually still belongs to Callaway Gardens; that the deed to the County had a reversionary clause in that if it ceased to be used as a landfill, it would revert back to Callaway; and that Callaway has been paying the taxes on the property; and therefore, the property wasn't the County's to lease.
- (3) **Formal Noise Complaint.** Mr. Frokjer said that with the County leasing the property on Lower Blue Springs Road to the High School Shooting Team, the lease did include some protection for citizens in that if a formal noise complaint was made, the use would cease.

In response to Mr. Frokjer's comments, Chairman Lange said that the Board would consider the use of signs regarding property use changes. John Taylor, County Attorney, said that regarding the reversionary clause, the County did record a deed to return the ownership to Callaway Gardens, but Callaway has claimed it never received or acknowledged the deed; that as part of deeding property, the document has to be provided to the person to whom the property is deeded; and that because of Callaway's claim, the property is considered to be County property.

4. **OLD BUSINESS**

- A. **Amendment to Alcohol Ordinance re: On-Premise License Distance Requirements.** Danny Bridges, County Manager, said that during the previous meeting, the Board had briefly discussed the possibility of extending the "grandfathering" of business with alcohol licenses to five years; that five years seems to be a long period of time for grandfathering locations; that regarding the China Wok location, five years would be needed for grandfathering purposes; that he suggested the Board consider the deletion of "residence" instead, leaving the distance requirements for on-premise alcohol licenses at 200 yards and leaving the grandfathering as currently reflected in the ordinance. Following a brief discussion, Chairman Lange and Commissioner Wyatt agreed that five years was too long for grandfathering purposes and were not in favor of making any changes. Commissioner Manning said that Commissioner Loudermilk is the one who brought up this matter and that he should be present for the discussion. Mr. Bridges said that he had not talked to Commissioner Loudermilk about his recommendations, but would do so prior to the next meeting.

- B. **Harris County Magazine: Advertising.** Chairman Lange said that this had been tabled from the March 16 meeting pending advertising costs, and he asked Danny Bridges, County Manager, to explain. Mr. Bridges said that the costs had been provided in the meeting packet and that last time, the cost had been split between the Development Authority and the Commissioners. Commissioner Wyatt made the motion to approve a quarter-page ad with the cost for same split between the Development Authority and the Commissioners. The motion was seconded by Commissioner Manning and failed with a vote of two in favor (Wyatt, Manning) and two opposed (Lange, Whearley). Commissioner Whearley then made the motion to approve a full page ad with the cost split between the Development Authority and the Commissioners. The motion was seconded by Chairman Lange and failed with a vote of two in favor (Whearley, Lange) and two opposed (Manning, Wyatt). Commissioner Wyatt then made the motion to approve a half-page ad with the cost split between the Development Authority and the Commissioners. The motion was seconded by Commissioner Whearley and passed with a vote of three in favor (Wyatt, Whearley, Lange) and one opposed (Manning).

5. **PUBLIC HEARING @ 7:30 PM**

- A. **Explanation of Public Hearing Procedures.** The procedures for the Public Hearing were explained by Chairman Lange.
- B. **Application of the Commissioners to amend the text of the Zoning Ordinance, Article IV (Zoning District Objectives, Uses & Regulations), Section 2 (Permitted Uses in Zoning Districts), Item #128E (Live-Work Unit), and Article V (Supplementary District Regulations), Section 21 (Live-Work Unit), Paragraph 1, to allow Live-Work Units to exist in Commercial Outdoor Recreation Developments (CORD) with Special Use Permit approval by the Board of Commissioners.** Chairman Lange called the Public Hearing to order, read the specifics of the application, and said that the Planning Commission had recommended approval of the amendment. Danny Bridges, County Manager, said that the purpose of the amendment is to allow Live-Work Units in CORD districts with the approval of a Special Use Permit by the Board. Chairman Lange asked if anyone wished to speak in favor of or in opposition to the amendment. There being none, he closed the Public Hearing and asked for a motion. The motion to approve the text amendment was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

6. **OLD BUSINESS (CONTINUED)**

- C. **Request for Tax Refund: Pritchett, C. Doug.** Chairman Lange said that the refund request for \$36.58 had been tabled from the March 2 meeting pending review by the Tax Assessor's staff. He said that the Tax Assessor's staff had visited and walked the property and could find no building on the property, even though an aerial photo taken in late 2008 showed a structure on the property. The motion to approve the refund of \$36.58 was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

7. **NEW BUSINESS**

- A. **Master Site Plan Update: Woodland Hills Golf Community; Foxchase, LLLP.** Lisa Maki, representing Foxchase LLLP, appeared before the Board and said that the Master Site Plan Update is necessary for the developers to move forward with developing the remainder of the property. Using the Master Site Plan, Ms. Maki pointed out the various recreation areas, which will be open to the public for a fee, and the reversal of the beach and dock locations. Ms Maki said that the lots remain at 544 and are shown in more detail than on the previous Site Plan; that the developers are in the process of turning the roads over to the County; that a Homeowners Association is being formed; and that new covenants are being drawn up. Following a brief discussion that included the Plan will be the "map" for the future growth and development of the subdivision and that the County must enter into an intergovernmental agreement with the Columbus Water Works regarding the provision of sewer service. The motion to approve the Master Site Plan Update was made by Commissioner Wyatt, seconded by Commissioner Whearley, and passed unanimously. (Document (Site Plan) can be found in "Miscellaneous Documents" file as MD# 10-01.)
- B. **Financial Statement: February 2010.** The motion to approve the February 2010 Financial Statement was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

C. **Requests for Tax Refund.** Chairman Lange read the Requests for Tax Refund as follows:

- (1) **Callaway Gardens Resort:** Refund of \$295.07 due to paying ad valorem tax and tag fee on vehicle that was leased and had been turned back in at end of lease in October 2009.
- (2) **Drake, Timothy T. (2009 for 097-022):** Refund of \$43.81 due to wrong acreage.
- (3) **Drake, Timothy T. (2008 for 097-022):** Refund of \$42.87 due to wrong acreage.
- (4) **Drake, Timothy T. (2007 for 097-022):** Refund of \$8.18 due to wrong acreage.
- (5) **Drake, Timothy T. (2009 for 097-023):** Refund of \$21.95 due to wrong acreage.
- (6) **Drake, Timothy T. (2008 for 097-023):** Refund of \$21.48 due to wrong acreage.
- (7) **Drake, Timothy T. (2007 for 097-023):** Refund of \$5.23 due to wrong acreage.
- (8) **Living Waters Community Church:** Refund of \$698.22 due to property being owned by a future church.
- (9) **Murray, Irma:** Refund of \$166.08 due to vehicle no longer in use (wrecked) at the time of tag renewal.

The motion to approve all nine Tax Refund requests was made by Commissioner Wyatt. Commissioner Manning seconded the motion, with the exception of number 8. Commissioner Wyatt amended his motion to approve all but number 8, and the motion passed unanimously. Commissioner Manning asked that number 8 be tabled until more information could be obtained regarding exempting property on which no church is located.

D. **Public Hearing and Resolution: Abandonment of Portion of Old Hamilton Pleasant Grove Road.** Chairman Lange called the Public Hearing to order and said that during the March 16, the Board approved a Resolution of Intent to Abandon a section of Old Hamilton Pleasant Grove Road, a distance of approximately 3,500 feet, from its intersection with Hamilton Pleasant Grove Road north to its intersection with Nelson Road; and that it had been determined that no substantial purpose is served by the continued use of that portion of the road to be abandoned which also has a bridge which had been determined to be unsafe by the Georgia Department of Transportation; and that the section to be abandoned crosses and divides property owned by Mountain Creek Valley. He then asked if anyone wished to speak in favor of or in opposition to the abandonment. There being none, he closed the Public Hearing. John Taylor, County Attorney, explained that all the requirements in connection with road abandonment had been met; that the Quit Claim has been prepared to deed the property to Mountain Creek Valley; and that he recommended approval of the Resolution and Quit Claim. The motion to approve the Resolution to Abandon a Portion of Old Hamilton Pleasant Grove Road and to Quit Claim the abandoned portion to Mountain Creek Valley was made by Chairman Lange, seconded by Commissioner Wyatt, and passed unanimously.

8. **COUNTY MANAGER**

A. **Bid Results: Turf Utility Vehicle for Recreation Department.** Danny Bridges, County Manager, said that bids were requested for a turf utility vehicle for the Recreation Department; that only one bid was received (from Waverly Hall Farm & Tractor in the amount of \$8,255), which exceeded the amount budgeted; and that it is recommended that the bid be rejected and that we go back out on bid. The motion to reject the bid and go back out on bid was made by Commissioner Whearley, seconded by Commissioner Manning, and passed unanimously.

B. **Safety Discount Verifications for Property & Liability Insurance and Workers Compensation Insurance.** Danny Bridges, County Manager, said that the discount verifications are the usual annual documents that are needed in connection with receiving a discount on the County's insurance (Property & Liability and Workers' Compensation). The motion to approve the discount forms was made by Chairman Lange, seconded by Commissioner Manning, and passed unanimously.

C. **Community Center Financing.** Danny Bridges, County Manager, said that for several years the County has been using Merchant Capital as our broker in connection with financing various projects, which have been and are paid back through SPLOST funds. He asked the Board if it wanted to use Merchant Capital in connection with the financing for the Community Center or to request proposals from companies. Following a brief discussion, consensus was to request proposals.

D. **DOT Right of Way Agreement: Mehaffey Road.** Danny Bridges, County Manager, asked that this be tabled so that he can further discuss this matter with DOT. There were no objections.

E. **Surplus Fuel Trucks**. Danny Bridges, County Manager, reminded the Board that bids were requested regarding the two surplus fuel trucks at the Airport and that only one bid was received for each truck; that he believes a scrap metal/salvage business would pay more for the vehicles; and that he is requesting the authorization to negotiate with a salvage business regarding same. The motion to authorize the County Manager to negotiate with a salvage business regarding the two vehicles was made by Commissioner Whearley, seconded by Commissioner Wyatt, and passed unanimously.

9. **COUNTY ATTORNEY**

A. **Intergovernmental Agreement Second Amendment: Secretary of State re: disposal of voting system components**. John Taylor, County Attorney, explained the amendment regarding the disposal of voting system components. The motion to approve the document was made by Commissioner Manning, seconded by Commissioner Whearley, and passed unanimously. (Document can be found in "Contracts & Agreements" file as C&A # 10-09.)

10. **OTHER**

A. **Animal Ordinance Amendments re: Leash Law**. Nancy McMichael, County Clerk, advised the Board that she had discussed the proposed changes to the Animal Control Ordinance with the Animal Control Office, as directed, and that he was in agreement with same. She asked if there were any objections to having the first reading regarding the amendments during the April 20 meeting. There were no objections.

11. **REQUEST FOR EXECUTIVE SESSION**. The motion to go into Executive Session for the purpose of discussing real estate acquisition and a personnel matter was made at 8:20 PM by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

12. **RESUME REGULAR SESSION**. The motion to go back into Regular Session was made by Commissioner Wyatt, seconded by Chairman Lange, and passed unanimously.

13. **ADJOURNMENT**. There being no further business to discuss, the motion to adjourn was made by Commissioner Wyatt, seconded by Commissioner Manning, and passed unanimously.

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk